IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 365 OF 1982

Bank of Baroda .. Plaintiffs.

vs.

Colours & Chemicals & Ors. .. Defendants.

Mr. D.S. Paranjape for plaintiffs.

None for Defendants.

CORAM : S.U.KAMDAR, J.

DATE : 23rd February, 2006.

P.C.

. The learned counsel for the plaintiffs states that the defendant nos. 2 and 4 are dead and, therefore, he seeks to delete the said defendant nos. 2 and 4 from the suit. Leave granted. Amendment to be carried out within one week from today.

2. The present suit is filed for the recovery of the sum of Rs. 1,63,169-62 with further interest at the rate of 21.5% with quarterly rest from the date of the suit till payment and/or realisation. It is the case of the plaintiffs that the plaintiffs have sanctioned cash credit facility of a sum of Rs.

1,60,150.92 and the said amount was disbursed to the defendant partnership firm. The letters of pledge for securing advance were executed along with promissory note. There were defaults on the part of the defendants and, therefore, demand notice was sent on 16.12.1981 to which there was no reply. A reminder was sent on 6.1.1982. The defendants are served. Defendants have filed written statement. However, none appears for defendants. The learned counsel for the defendants has taken discharge. In spite of the aforesaid facts, the defendants are not appearing in Court. In that light of the matter, there shall be a decree in terms of prayer clause (a). Suit decreed accordingly. Refund as per rules.